



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

May 4, 1973

Honorable David Finney, Chairman  
Committee on State Affairs  
P. O. Box 2910  
Austin, Texas 78767

Letter Advisory No. 25

Re: H. B. 170 - establishing  
the Texas Commission on  
Revenue Earmarking pro-  
viding for a commission  
staff; requiring a reporting  
date, etc.

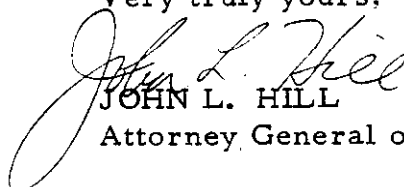
Dear Representative Finney:

House Bill 170 would establish the Texas Commission on Revenue Earmarking charged with the responsibility of studying the status of revenue earmarking and priority allocation practices, of developing, formulating, and recommending to the Governor and to the members of the 64th Texas Legislature on February 1, 1975, such measures as are necessary to provide the optimum budgeting flexibility in Texas resources allocation. The Act merely creates an investigatory body and does not confer upon it any power. The commission, therefore, could not usurp the power or function of any other constitutional officer, and we see no constitutional problem in its creation.

We note that the commission as proposed will perform investigatory and reporting functions already being performed by others such as the Comptroller of Public Accounts (Article 3, Section 49a of the Constitution of Texas); the Governor (Article 4, Section 9 of the Constitution of Texas); the Legislative Budget Board (Article 5429c, Vernon's Texas Civil Statutes); the Director of the Budget (Article 689A-7). See also Article 689A-5 and Article 4348, Vernon's Texas Civil Statutes.

However, we see no constitutional problem in the overlapping of functions, and it is our opinion that House Bill 170, if enacted, would be constitutional.

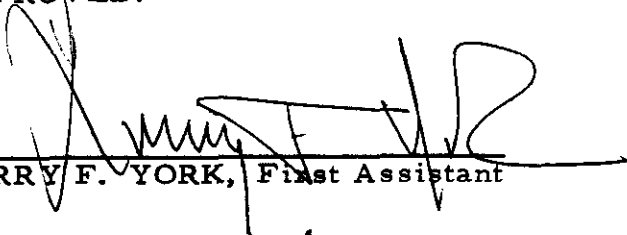
Very truly yours,

  
JOHN L. HILL

Attorney General of Texas

Honorable David Finney, Chairman, page 2 (L.A. No. 25)

APPROVED:



LARRY F. YORK, First Assistant



DAVID M. KENDALL, Chairman  
Opinion Committee